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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/587,083	07/21/2006	Yoshiyuki Sugahara	28951.5512	9531
53067 7590 12/21/2007 STEPTOE & JOHNSON LLP 1330 CONNECTICUT AVE., NW WASHINGTON, DC 20036				
			EXAMINER TRAN, VINCENT HUY	
			ART UNIT 2115	PAPER NUMBER
			MAIL DATE 12/21/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/587,083

Applicant(s)

SUGAHARA ET AL.

Examiner

Vincent T. Tran

Art Unit

2115

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,5,7,8,16 and 17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5,7,8,16 and 17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is responsive to the communication filed on 10/17/07
2. Claims 1-2, 4-5, 7-8, 16-17 are pending for examination.
3. The text of those sections of Title 35, U.S. code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
6. Claims 1-2, 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Teranishi U.S. Patent No. 6,590,736.
7. As per claim 1, Teranishi teaches a media drive [5] having a normal mode of operation and a power saving mode of operation which consumes less power than the normal mode of operation and controlling rotation of a removable medium in accordance with these modes of operation [col. 4 lines 7-19], the media drive comprising:

a detector [col. 2 lines 5-10] for detecting ejection/insertion of the removable medium during the power saving mode of operation [col. 2 lines 18-27]; and

a media controller [3] for transmitting a notification to an external device [15], receiving an instruction from the external device, shifting from the power saving mode of operation to the normal mode of operation in accordance with the received instruction from the external device and controlling rotation of the removable medium [col. 2 lines 18-36],

wherein the notification indicated detection of the ejection/insertion of the removable medium [*the cassette loading motor 3 generate a counter electromotive force inform the system control computer of insertion of the medium col. 2 lines 23-27*] and the instruction indicates a shift from the power saving mode of operation to the normal mode operation [the system control computer sends a start signal to the cassette loading motor 3 to switch the medium drive from its standby power saving mode to its operating mode – col. 1 lines 64-67; col. 3 lines 48-49].

8. As per claim 2, Teranishi teaches the media drive [5] and a host computer connected to the media drive, the host computer including a drive controller [15] for detecting the notification from the media drive, and

for instructing/controlling the media drive to shift to the normal mode of operation [col. 1 lines 67].

As per claim 7-8, it is noted that the limitations do not differ from claim 1-2. As demonstrated previously, Teranishi anticipated the limitations in claim 1-2. Therefore, Teranishi anticipated the limitations of claim 7-8.

9. Claims 1-2, 4-5, 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koo.

10. As per claim 4, Koo teaches a media drive [712] having a normal mode of operation and a power saving mode of operation which consumes less power than the normal mode of operation and controlling rotation of a removable medium in accordance with these modes of operation [col. 1 lines 14-45], the media drive comprising:

a detector [560] for detecting that media ejection button is pushed for ejecting the removable medium in the power saving mode of operation or that a media insertion mechanism part is closed by insertion to the removable medium during the power saving mode of operation [210 fig. 2]; and

a media controller [440] for transmitting a notification to external device, shifting the medium drive from the power saving mode of operation to the normal mode of operation, and controlling rotation of the removable medium [250-270 fig. 2],

wherein the notification indicates detection of pushing of the media ejection button or closing of the media insertion mechanism part¹.

Koo does not explicitly teach the controller for receiving an instruction from the external device to shift from the power saving mode of operation to the normal mode of operation.

At the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to required the controller to receive power saving mode exit instruction from the external device because applicant has not disclosed that by

¹ Koo does not explicitly teaches the notification indicates detection of pushing of the media ejection button or closing of the media insertion mechanism part. However, Koo specifically teaches the notification indicates when a removable machine readable medium is inserted into a DVD-ROM drive. Therefore, it is obvious to one of ordinary skill in the art that the detection mean of Koo encompasses the detecting of pushing of the media ejection button or the closing of the media insertion mechanism part.

requiring the controller to receive an instruction from the external device to shift the medium drive from the power saving mode of operation to the normal mode of operation provides an advantage, it used to a particular purpose, or solves a stated problem. One of ordinary skill in the art, further more, would have expected applicant's invention to perform equally well with either automatically shift the medium drive from the power saving mode of operation to the normal mode of operation when detecting the insertion of a removable medium taught by Koo or the claimed receiving an instruction from the external device to shift the medium drive from the power saving mode of operation to the normal mode of operation when detecting the insertion of a removable medium because both methods perform the same function of saving power and shifting the medium drive from the power saving mode to the normal mode of operation only when the system detects the insertion of a removable medium into the medium drive.

Therefore, it would have been an obvious matter of design choice to modify Koo to obtain the invention as specified in claim 4.

11. As per claim 5, Koo discloses a host computer connected to the media drive [fig. 7], the host computer including a driver controller for detecting the notification from the media drive [col. 4 lines 49-57], and for instructing/controlling the media drive to shift to the normal mode of operation [col. 3 lines 44-51].

12. As per claim 1-2, 7-8, 16-17, it is noted that the limitations do not differ from claim 4-5. As demonstrated previously, Koo teaches the limitations in claim 4-5. Therefore, Koo teaches the limitations of claims 1-2, 7-8.

Conclusion

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vincent T. Tran whose telephone number is (571) 272-7210. The examiner can normally be reached on 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas c. Lee can be reached on (571) 272-3667. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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